IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7906 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE B.J.SHETHNA
HONOURABLE MR.JUSTICE M.C.PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GAFURBHAI MALABHAI VORA & 2 - Petitioner(s)
Versus
UNION OF INDIA & 3 - Respondent(s)

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Appearance :
MR BD KARIA for Petitioner(s) : 1 - 3.
MR ASIM J PANDYA for Respondent(s) : 1 - 2.
MR JITENDRA MALKAN for Respondent(s) : 1 - 2.
MR SB VAKIL with MR HV CHHATRAPATI for Respondent(s) : 3 - 4.
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CORAM : HONOURABLE MR.JUSTICE B.J.SHETHNA
and
HONOURABLE MR.JUSTICE M.C.PATEL

Date : 22/03/2006

ORAL JUDGMENT
(Per : HONOURABLE MR.JUSTICE B.J.SHETHNA)

The challenge to Section 2 of the RBI (Amendment) Ordinance, 1997 (Central Ordinance No.2 of 1997)/RBI (Amendment) Act, 1997 seeking to

amend Section 45-S of the RBI Act as unconstitutional and *ultravires* made in this petition is already set at rest by the Hon'ble Supreme Court in the case of **BHAVESH D. PARISH AND OTHERS vs. UNION OF INDIA AND ANOTHER reported in (2000) 5 SCC page 471**, as submitted by Mr. Chhatrapati, learned counsel for respondents no.3 and 4. In view of the above, this petition is dismissed. Rule discharged. No costs.

(B.J. Shethna, J.)

(M.C. Patel, J.)

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